UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,907	09/23/2003	Sompong P. Olarig	200304398-2	2518

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO   80527-2400

EXAMINER
ONI, OLUBUSOLA

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/668,907	OLARIG ET AL.
	Examiner	Art Unit	
	OLUBUSOLA ONI	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2006*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 3, 5,12-14,17,22, 24-26, 36- 38, 42, 47, 49, 56 and 68-71* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3, 5,12-14,17,22, 24-26, 36- 38, 42, 47, 49, 56 and 68-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   New grounds of rejection are based on newly amended claims.

Response to Amendment

2.   The amendment filed October 12, 2006 has been entered. Claims 1, 3, 5,12-

14,17,22, 24-26, 36- 38, 42, 47, 49, 56 and 68-71 are pending.

Claims 1, 22, 24, 26, 37, 47, 49, 68-70 have been amended.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or

described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be

negatived by the manner in which the invention was made.

4.   Claims 1, 3, 5,12-14,17,22, 24-26, 36- 38, 42, 47, 49, 56 and 68-71 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Crawford (U.S 6,411,943) in view of

Roger Needham et al. Using encryption for authentication in large networks of

computers (December 1978) hereinafter Roger.

For claim 1, Crawford teaches "providing a configuration database including resource information"(Col. 14, lines 60-67, Col.15, lines 1-4, Col. 18, lines 15-58);

"as a result of said failure, receiving a restoration request including a computer identifier associated with the computer"(Col. 9, lines 6-10, Col. 10, lines 32-38, Col. 30, lines 1-11);

"accessing the configuration database based on the computer identifier to identify a restorable resource associated with the computer"(Col. 9, lines 6-10, Col. 18, lines 15-58);

"installing the restorable resource on said computer" (See paragraph [Col. 14, lines 52-Col. 15, lines 1-9, Col. 30, lines 1-35] wherein at Col. 30,L 1-35, Crawford's teachings includes a request to restore, and a software on a virtual disk is been installed to satisfy this request, thus teachings are synonymous)

Crawford does not explicitly teach "encrypting the restorable resource to form an encrypted restorable resource" and "Installing the encrypted restorable resource on said computer"

However Roger teaches "encrypting the restorable resource to form an encrypted restorable resource" (See [pg 995-996]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Crawford's teachings of encryption at col.44, lines 11-42 with teachings of Roger, using the method of encryption, which secures communication in physically vulnerable networks depending upon the encryption of materials passing

between machines. Encryption not only ensures the privacy of the information but it also

ensures the integrity of a message.

For claim 3, this claim is rejected on grounds corresponding to the argument give above

for rejected claim 1 above. Crawford does not explicitly teach "providing the encrypted

restorable resource to the computer"

However, Roger teaches "providing the encrypted restorable resource to the computer"

(See [pg 993- 996]).

For claim 5, this claim is rejected on grounds corresponding to the argument give above

for rejected claim 1 above. Roger teaches "wherein providing the restorable encrypted

restorable resource to the computer" (See [pg 995- 998])

Roger does not explicitly teach "providing an address for the restorable address"

However Crawford's teachings include "providing an address for the restorable address"

(Col. 4, lines 1-16, Col. 4, lines 55-67, Col. 15, lines 21-30, Col. 18, lines 15-47).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have combined the teachings of Roger with Crawford, thereby sending

restorable resource in the form of an address, would make receiving and access much

easier and also ensures its integrity.

For claim 12, this claim is rejected on grounds corresponding to the argument give

above for rejected claim 1 above. Crawford teaches "further comprising registering a

plurality of installed resources associated with the computer in the configuration
database" (Col. 18, lines 50-59, Col. 19, lines 40-67, Col. 20, lines 1-4).

For claim 13, this claim is rejected on grounds corresponding to the argument give
above for rejected claim 12 above. Crawford teaches "wherein registering the plurality of
installed resources includes providing a resource name and a computer identifier
associated with the computer" (Col. 19, lines 40-67, Col. 20, lines 1-4).

For claim 14, this claim is rejected on grounds corresponding to the argument give
above for rejected claim 13 above. Crawford does not explicitly teach "wherein
registering the plurality of installed resources includes providing the resource name and
computer identifier in an encrypted file".
However, Roger teaches "wherein registering the plurality of installed resources
includes providing the resource name and computer identifier in an encrypted file" (See
[pg 993-996]).

For claim 17, this claim is rejected on grounds corresponding to the argument give
above for rejected claim 1 above. Crawford teaches "wherein providing the configuration
database includes providing a configuration database having resource identifying
information, resource version information, and resource location information" (Col. 18,
lines 50-59, Col. 19, lines 40-67, Col. 20, lines 1-67).

For claim 22, Crawford teaches "a computer having a plurality of installed resources"

(Col 2, lines 39-42, Col. 4, lines 55-69); and "a configuration manager coupled to the

computer' said configuration manager is adapted to store a configuration database

including resource information associated with the computer" (Col. 18, lines 53-59, Col.

19, lines 40-67, Col. 20, lines 1-4), "adapted to receive a restoration request from the

computer as a result of a failure of said computer, said restoration request including a

computer identifier associated with the computer" (Col. 9, lines 6-10, Col. 10, lines 32-

38, Col. 30, lines 1-11), "a adapted to authenticate the restoration request, adapted to

access the configuration database to identify a restorable resource based on the

computer identifier associated with the computer"(Col. 9, lines 6-10, Col. 18, lines 15-

58), and "adapted to provide the restorable resource to the computer"(Col. 2, lines 39-

42, Col. 4, lines 55-69).

"installing the restorable resource on said computer" (See paragraph [Col. 14, lines 52-

Col. 15, lines 1-9, Col. 30, lines 1-35] wherein at Col. 30,L 1-35, Crawford's teachings

includes a request to restore, and a software on a virtual disk is been installed to satisfy

this request, thus teachings are synonymous)

Crawford does not explicitly teach "adapted to encrypt the restorable resource to

produce an encrypted restorable resource";

"adapted to provide the encrypted restorable resource to the computer";

However Roger teaches "adapted to encrypt the restorable resource to produce an

encrypted restorable resource" (See [pg 993-996]).

"adapted to provide the encrypted restorable resource to the computer" (See [pg 993-996]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Crawford's teachings of encryption at col.44, lines 11-42 with teachings of Roger, using the method of encryption, which secures communication in physically vulnerable networks depending upon the encryption of materials passing between machines. Encryption not only ensures the privacy of the information but it also ensures the integrity of a message.

For claim 24, this claim is rejected on grounds corresponding to the argument give above for rejected claim 22 above. Crawford teaches "further comprising a server coupled to the computer and adapted to receive the restorable resource and install the restorable resource on the computer" (Col. 4, lines 34-37, Col. 4, lines 55-67). Crawford does not explicitly teach "further comprising a server coupled to the computer and adapted to receive the encrypted restorable resource and install the encrypted restorable resource on the computer".
However, Roger teaches "further comprising a server coupled to the computer and adapted to receive the encrypted restorable resource and install the encrypted restorable resource on the computer" (See [pg 993-996]).

For claim 25, this claim is rejected on grounds corresponding to the argument give above for rejected claim 22 above. Crawford teaches "further comprising a server

coupled to the computer, the configuration manager being housed on the server" (Col. 4, lines 34-37, Col. 4, lines 55-67, Col. 18, lines 53-59, Col. 19, lines 40-67, Col. 20, lines 1-4).

For claim 26, this claim is rejected on grounds corresponding to the argument give above for rejected claim 22 above. Crawford teaches "wherein the configuration manager is adapted to provide the restorable resource to the computer by providing an address for the restorable address" (Col. 4, lines 1-16, Col. 4, lines 55-67, Col. 15, lines 21-30).

Crawford does not explicitly teach "wherein the configuration manager is adapted to provide the encrypted restorable resource to the computer by providing an address for the restorable address"

However, Roger teaches "wherein the configuration manager is adapted to provide the encrypted restorable resource to the computer by providing an address for the restorable address" (See [pg 995-996]).

For claim 36, this claim is rejected on grounds corresponding to the argument give above for rejected claim 22 above. Crawford teaches "wherein the computer is adapted to register a plurality of installed resources associated with the computer in the configuration database" (Col. 18, lines 50-59, Col. 19, lines 40-67, Col. 20, lines 1-4).

For claim 37, this claim is rejected on grounds corresponding to the argument give above for rejected claim 36 above. Crawford teaches "wherein the computer is adapted to register the plurality of installed resources by providing a resource name and a computer identifier associated with the computer" (Col. 19, lines 40-67, Col. 20, lines 1-4).

For claim 38, this claim is rejected on grounds corresponding to the argument give above for rejected claim 37 above. Crawford does not explicitly teach "wherein registering the plurality of installed resources includes providing the resource name and computer identifier in an encrypted file".
However, Roger teaches "wherein registering the plurality of installed resources includes providing the resource name and computer identifier in an encrypted file" (See [pg 993-996]).

For claim 42, this claim is rejected on grounds corresponding to the argument give above for rejected claim 36 above. Crawford teaches "wherein the configuration database includes resource identifying information, resource version information, and resource location information" (Col. 18, lines 50-59, Col. 19, lines 40-67, Col. 20, lines 1-67).

For claim 47, Crawford teaches "a configuration database including resource information" (Col. 14, lines 60-67, Col 15, lines 1-4, Col. 18, lines 15-58); "program

instructions, that when executed by a processing device perform a method for restoring

a resource on a computer that previously failed "(col. 4, lines 55-67, Col. 30, lines 1-11),

the method comprising:

"as a result of said failure, receiving a restoration request including a computer identifier

associated with the computer"(Col. 9, lines 6-10, Col. 10, lines 32-38,Col. 30, lines 1-

11); "accessing the configuration database based on the computer identifier to identify a

restorable resource associated with the computer" (Col. 9, lines 6-10, Col. 18, lines 15-

58); "identify an available upgrade for the restorable resource" (Col. 10, lines 26-31).

"upgrade for the restorable resource to produce an encrypted upgrade of the restorable

resource" (Col. 10, lines 26-31).

"installing said upgrade of the restorable resource on said computer"(Col. 10, lines 26-

31,Col. 14, lines 52-Col. 15, lines 1-9, Col. 30, lines 1-35])

Crawford does not explicitly teach "encrypting said upgrade for the restorable resource

to produce an encrypted upgrade of the restorable resource";

However, Roger teaches "encrypting said upgrade for the restorable resource to

produce an encrypted upgrade of the restorable resource" (See [pg 995-996]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Crawford's teachings of encryption at col.44, lines 11-42 with

teachings of Roger, using the method of encryption, which secures communication in

physically vulnerable networks depending upon the encryption of materials passing

between machines. Encryption not only ensures the privacy of the information but it also

ensures the integrity of a message.

For claim 49, this claim is rejected on grounds corresponding to the argument give

above for rejected claim 47 above. Crawford teaches "wherein providing the restorable

resource or the upgrade of the restorable resource (Col. 10, lines 26-31) to the

computer in the method includes providing an address for the restorable address"(Col.4,

lines 1-16, Col. 15, lines 21-30).

Crawford does not explicitly teach "wherein providing the restorable resource or the

encrypted upgrade of the restorable resource to the computer in the method includes

providing an address for the restorable address"

However, Roger teaches "wherein providing the restorable resource or the encrypted

upgrade of the restorable resource..." (See [pg 995-996]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Crawford's teachings of encryption at col.44, lines 11-42 with

teachings of Roger, using the method of encryption, which secures communication in

physically vulnerable networks depending upon the encryption of materials passing

between machines. Encryption not only ensures the privacy of the information but it also

ensures the integrity of a message.

For claim 56, this claim is rejected on grounds corresponding to the argument give

above for rejected claim 47 above. Crawford teaches "wherein the configuration

database includes resource identifying information, resource version information, and

resource location information" (Col. 18, lines 50-59, Col. 19, lines 40-67, Col. 20, lines 1-67).

For claim 68, this claim is rejected on grounds corresponding to the argument give above for rejected claim 47 above. Crawford teaches "wherein the method further comprises offering the restorable resource and the upgrade of the restorable resource" (Col. 10, lines 26-31).

Crawford does not teaches "offering the restorable resource and the encrypted upgrade of the restorable resource"

However, Roger teaches "offering the restorable resource and the encrypted upgrade of the restorable resource" (See [pg 995-996]).

For claim 69, this claim is rejected on grounds corresponding to the argument give above for rejected claim 68 above. Crawford teaches "wherein the method further comprises enabling a user to select either the restorable resource or the upgrade of the restorable resource" (Col. 51, lines 43-47)

Crawford does not explicitly teach "enabling a user to select either the restorable resource or the encrypted upgrade of the restorable resource"

However, Roger teaches "enabling a user to select either the restorable resource or the encrypted upgrade of the restorable resource"(See [pg 995-996]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Crawford's teachings of encryption at col.44, lines 11-42 with

teachings of Roger, using the method of encryption, which secures communication in

physically vulnerable networks depending upon the encryption of materials passing

between machines. Encryption not only ensures the privacy of the information but it also

ensures the integrity of a message.

For claim 70, this claim is rejected on grounds corresponding to the argument give

above for rejected claim 69 above. Crawford teaches "wherein the method further

comprises providing either the restorable resource or the upgrade of the restorable

resource based on the user's selection" (Col.51, lines 42-64)

Crawford does not explicitly teach "wherein the method further comprises providing

either the restorable resource or the encrypted upgrade of the restorable resource

based on the user's selection"

However, Roger teaches "wherein the method further comprises providing either the

restorable resource or the encrypted upgrade of the restorable resource based on the

user's selection" (See [pg 995-996]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Crawford's teachings of encryption at col.44, lines 11-42 with

teachings of Roger, using the method of encryption, which secures communication in

physically vulnerable networks depending upon the encryption of materials passing

between machines. Encryption not only ensures the privacy of the information but it also

ensures the integrity of a message.

For claim 71, this claim is rejected on grounds corresponding to the argument give

above for rejected claim 3 above. Crawford does not explicitly teach "wherein proving

the encrypted restorable resource to the computer comprises providing the restorable

resource to a server connected to the computer"

However, Roger teaches "wherein proving the encrypted restorable resource to the

computer comprises providing the restorable resource to a server connected to the

computer" (See [pg 993- 996]).

Response to Argument

5.   Applicant's argument filed October 12, 2006 has been fully considered but they

are not persuasive. The examiner respectfully traverses applicant's arguments.

As per claim 1 applicant argued that the software in Crawford is not copied from the

virtual disk back to the customer computer for installation. On the contrary, at Col. 14,

lines 60-67, Crawford teaches virtual disks are mounted and customer files are copied

to their original customer disk for restoration. Likewise at Col. 30, lines 1-35 Crawford's

teachings also include a request to restore, and a software on a virtual disk is been

installed to satisfy the request. However, Crawford's teachings of installing software on

the computer for restoration purposes combined with the teachings of Roger, using the

method of Encryption reads on applicants claim language.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 7.30-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KBP

OLUBUSOLA ONI
Examiner
Art Unit 2168

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100